

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
June 23, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney Heinz

Absent: Cynthia Garnholz

Alderman Boulton moved to approve the June 9, 2015 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR QDOBA LOCATED AT 6701 CLAYTON ROAD

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed operation of a restaurant to be known as Qdoba. The 0.4-acre property is located on the northwest corner of Clayton Road and Concordia Lane, and has a zoning designation of C-2 General Commercial District and is located in the Clayton Road Urban Design District. The property contains three attached, 1-2 story buildings totaling 7,200 square feet. The buildings were previously occupied (from west to east) by St. Louis Bread Company, Custom Brew House, and State Farm Insurance. All three buildings are currently vacant. A 21-space parking lot is located behind the buildings with access from Concordia Lane and the rear alley. The proposed project includes the following:

1. Demolition of the two eastern most buildings
2. Renovation of the western most building for a new restaurant tenant (Qdoba), including a patio addition to the east side of the building
3. Expansion and reconfiguration of the existing parking lot to accommodate 24 parking spaces
4. Landscape screening along the perimeter of the new parking lot
5. New 5-foot sidewalk, 10-foot tree lawn and street trees along Clayton Road.

Qdoba Mexican Grill is a chain of fast casual restaurants serving “Fresh Mex” cuisine. The restaurant will measure 3,605 square feet and have 68 seats indoors and 40 seats outdoors. The restaurant will be open Monday through Friday, 10 a.m. to 10 p.m., and weekends, 10 a.m. to 11 p.m. According to the applicant, deliveries to the restaurant will be made no earlier than 7:00 a.m. and no later than 9:30 p.m. Trash will be stored in a dumpster enclosed by a 6-foot tall wood fence at the northwest corner of the parking lot. Food delivery service is not

proposed. The restaurant does not intend to participate in the recycling program. The applicant plans to submit an application to the Board of Aldermen for a liquor license.

The Plan Commission considered this request at their June 1, 2015 meeting and voted to recommend approval of the Conditional Use Permit to the Board of Aldermen. At the same meeting, the Architectural Review Board voted to approve the design and materials associated with proposed exterior alterations. Recommendation is to conduct a public hearing and approve the resolution.

In response to Mayor Sanger's question, Assistant Fire Chief Paul Mercurio stated that they are not required to "sprinkler" the building.

In response to Alderman Lintz's question, Aaren Novak, representative for the building owner, stated that Qdoba does not have a recycling plan, but he will ask and encourage them to join the recycling efforts.

Mayor Sanger closed the public hearing.

Alderman Winings moved to approve Resolution No. 15-07, a conditional use permit for Qdoba Restaurant located at 6701 Clayton Road. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

FY2015 2ND QUARTER FINANCIAL REPORT

Janet Watson provided the Board with a summary overview of the FY2015 2nd Quarter Financial report previously provided to the Board.

In response to Alderman Boulton's question regarding the point-of-sale versus share, Janet Watson explained that the two sales taxes that go into the Capital Improvement Fund (Capital Improvement Sales Tax, the Parks and Storm Water Sales Tax, and the new Fire Sales Tax) are all point of sale. The one percent County-wide sales tax and a quarter cent local option that is in the General Fund is shared in different proportions which are not point-of-sales. She pointed out that the City's economy is doing better than some others.

With regard to an earlier question regarding pension, Janet Watson explained that investment returns in the pension plans are down in the first half of this fiscal year as compared to the first half of last fiscal year as shown on page 34 and page 43 of the agenda packet. Last year at this time, there had been some large investment returns in the plans which were lost later in the fiscal year. Therefore as reflected in the report we state that the revenue through the 2nd quarter for all funds is down from last year due to these returns. This does not affect expenditures, only revenue.

In response to Alderman Berger's question regarding the forecast around revenues, specifically utilities, Janet Watson explained that the largest utility revenue is electric, but unfortunately the area had a mild winter. Telephone revenue increased slightly.

In response to Aldermen Lintz question regarding property taxes (commercial versus residential), Janet Watson explained that St. Louis County does not provide that division, and added that in the previous years the issue has been the "successful" protests.

In response to Alderman Berkowitz's question regarding delinquent taxes, Janet Watson explained that it is very difficult to get the information from St. Louis County and will provide the distributions but do not split it between late fees and the actual amount of the distribution and is difficult to know the outstanding balance.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL BUILDING, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY CONSERVATION AND FUEL GAS CODES, AND THE EXISTING BUILDING CODE WITH AMENDMENTS (FIRST READING)

City Manager Owens reported that this is an ordinance to adopt the 2015 International Building Code, Mechanical Code, Plumbing Code, Residential Code, Energy Conservation Code, Fuel Gas Code and the Existing Building Code, with Amendments.

The City of Clayton has been using the Building Officials and Code Administrators (B.O.C.A.) Building, Mechanical, Plumbing and the National Electric Codes, with local amendments, since 1957. In 2000, the Building Officials and Code Administrators changed the Code titles to International Codes which were adopted by Clayton in 2001, with amendments.

The 2015 International Codes are the latest model codes presently available, and have been, or will soon be adopted by other surrounding communities. It is anticipated that these Codes will be adopted by the majority of jurisdictions in the United States as well as Canada and Mexico.

The International Code Council (ICC) updates the various codes every three years allowing for new design practices, technology and products to be addressed. Clayton has been under the 2009 Codes since their adoption in 2010. The one change in the 2015 Code that is considered a significant departure is that Chapter 34, *Existing Structures*, was deleted from the International Building Code and was replaced with a separate code, the 2015 *International Existing Building Code* (IEBC). Many of the remaining changes are not significant; however, in this age of rapid and significant advancements in technology, it is especially important to stay up-to-date. (The proposed changes were previously provided to the Board for review).

The subject codes and amendments are required to be available for public review and comment for 90 days prior to their adoption. The Codes have been available in the City Clerk's Office since June, 2015. Therefore, the ordinance is being presented for its first reading only pending completion of the required public review period. The second reading will be scheduled for the Board's first meeting in October, 2015 (October 13, 2015). The time between the first reading and the second reading will allow staff the opportunity to conduct two public information meetings, which are currently scheduled for Thursday July 23 at 3:30 p.m. and 5:30 p.m., and Thursday, August 27 at 3:30 p.m. and 5:30 p.m. at Clayton City Hall. At these meetings, the Fire Department staff and Building staff will give a brief presentation regarding the proposed changes and will be available to answer questions. A number of other communication tools are in the process of development in order to effectively notify and engage the public of the proposed changes to the City of Clayton's adopted codes.

Finally, the staff will present a draft ordinance to amend the 2006 Property Maintenance Codes at the July 14 meeting, which will track the same time line for public notification and adoption as these proposed building code changes. Tonight's recommendation is to approve the ordinance for the first reading only.

In response to Mayor Sanger's question regarding additional proposed changes, City Manager Owens stated that amendments can be made before the final adoption.

Alderman Winings introduced Bill No. 6508, an ordinance to consider adopting the 2015 International Building, Mechanical, Plumbing, Residential, Energy, Conservation and Fuel Gas Codes with amendments for the first time by title only. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6508, an Ordinance Providing for the Repeal of Sections 500.010 and 500.020 of the Code of Ordinances of the City of Clayton, Missouri, Relating to Buildings and Structures and Enacting in Lieu Thereof New Sections 500.010 and 500.020 on the Same Subject With Certain Modifications as Hereinafter Set Forth, and Establishing Penalties for the Violation Thereof for the first time by title only.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL FIRE CODE, WITH AMENDMENTS (FIRST READING)

City Manager Owens reported that the 2015 International Codes are the latest model codes presently available, and have been, or will soon be adopted by other surrounding communities. It is anticipated that these Codes will be adopted by the majority of jurisdictions in the United States as well as Canada and Mexico.

The International Code Council (ICC) updates the various codes every three years allowing for new design practices, technology and products to be addressed. In this age of rapid and significant technical advancements, it is especially important to stay up-to-date with these changes. The proposed Code incorporates updated reference standards and fire protection requirements and will keep the Fire Code consistent with the City's proposed Building Code, Mechanical Code, Plumbing Code, Residential Code, Energy Conservation Code, Fuel Gas Code and Existing Building Code.

Two significant changes in the 2015 Fire Code provides for a greater level of safety for existing high rise structures.

- Section M103.1 requires all existing high-rise buildings complete an automatic sprinkler retrofit within 12 years. Upon adoption of the code, building owners will have 365 days to work out a compliance schedule with the fire code official on how to meet this requirement. This change will affect seven commercial and four residential high-rise buildings of the 43 high rise high rise buildings in Clayton.
- Section 1103.5.1 requires existing Group A-2 Use Groups (Banquet Halls, Night Clubs, Restaurants and Bars) with occupancy over 300 install an automatic sprinkler system.

Assistant Chief/Fire Marshal Paul Mercurio has reviewed the 2015 International Fire Code. Local amendments needed to meet the specific needs and requirements of Clayton were identified and are included in this Ordinance. Amendments to the proposed Code were minimal and covered local concerns and administrative issues. The Fire Department has coordinated this Code review and adoption closely with the Planning & Development Department which administers the Building Codes to assure the codes are consistent.

The subject Code is required to be available for public review and comment for 90 days prior to their adoption. The Code has been available in the City Clerk's Office since June 2015. Therefore, the ordinance is being presented for its first reading only pending completion of the required public review period. We will be conducting a public outreach engagement process prior to the second reading and adoption. The second reading will be scheduled for the Board's meeting of October 13, 2015. This process will allow for the implementation of the Fire and Building Codes at the same time. Staff recommendation is to approve the ordinance for the first reading only.

Alderman Winings introduced Bill No. 6507, an ordinance to consider adopting the 2015 International Fire Code to be read for the first time. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6507, an Ordinance Amending Sections 205.070 and 205.080 of the Municipal Code of the City of Clayton, Missouri, Regarding Fire Protection and Prevention, Adopting the 2015 International Fire Code for the first time by title only.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH KIKU OBATA & COMPANY FOR WAYFINDING DESIGN SERVICES

City Manager Owens reported that staff is requesting approval of a design contract for the Downtown Wayfinding Project. A copy of the request for proposals was provided to the Board in the meeting packet.

The need for wayfinding was identified in the 2010 Downtown Master Plan. The Master Plan recommended to the City that it “Undertake a comprehensive signage and wayfinding study to unify the entire Downtown and highlight the districts.”

In 2013 Sasaki & Associates, the authors of the Downtown Master Plan, was contracted to provide the City with an action plan for N. Central Avenue. Again, wayfinding was identified as a need of downtown. From the N. Central Action Plan and speaking about the Metro Station, “This area needs increased wayfinding signage, improved lighting, and a clear sense of place that reinforces the sense that stepping off the train equates to arriving at a real and engaging destination and not only to structured parking.” Earlier this month at a retreat of the Mayor and Board of Aldermen, wayfinding was determined to be a priority initiative.

The City issued a request for proposals on February 13, 2015. Nine bids were received by 10:00am April 15, 2015, the stated deadline. The bid tabulation is attached. Staff is recommending that the City enter into a contract with Kiku Obata & Company for wayfinding design services.

Kiku Obata & Company was selected over others based on their experience and work product. The firm was founded in 1977, representing 37 years of design experience. They have produced a wayfinding system for Carmel, IN, a usual benchmarking comparison for Clayton, assisted the new owners of Block Thirty Seven in the Loop neighborhood of Chicago with rebranding and signage, and have assisted Lambert International Airport and Busch Stadium with signage and wayfinding.

The Capital Improvement Fund has \$60,000 budgeted for wayfinding design services. The contract presented is \$10,000 over the budgeted amount. The funds above the budget amount will be from the Capital Improvement Fund Reserves.

Recommendation is to approve the ordinance authorizing a contract with Kiku Obata & Company in the amount of \$70,000 for the Downtown Wayfinding Project.

Jim Reddington, Kiku Obata, addressed the Board to answer questions.

In response to Alderman Lintz’s question, Mr. Reddington stated that the City’s current signage aesthetics is outdated. They will be looking at cleaner design lines.

Mayor Sanger commented that Kiku Obata has a wonderful reputation and he is expecting some really good work.

In response to Alderman Winings question regarding mapping (referencing paragraph 16 of the contract), Mr. Reddington stated that they need determination of maps/directories which would be typographic in nature.

Gary Carter, Economic Developer, added that those items would be above and beyond what was requested in the RFP.

In response to Alderman Boulton’s question, Gary Carter stated that part of the process would determine where the signage would be located.

Alderman Winings introduced Bill No. 6508, an ordinance to consider approving a contract for the Wayfinding Design Services to be read for the first time. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6508, an Ordinance Authorizing the City Manager to Execute an Agreement with Kiku Obata in Connection with the Downtown Wayfinding Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6508 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6508, an ordinance to consider approving a contract for the Wayfinding Design Services to be read for the second time. Alderman Boulton seconded.

City Attorney Heinz reads Bill No. 6508, an Ordinance Authorizing the City Manager to Execute an Agreement with Kiku Obata in Connection with the Downtown Wayfinding Project for the second time by title only.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6379 of the City of Clayton.

A MOTION TO APPROVE THE DISPOSAL OF RECORDS

City Manager Owens reported that as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Aldermen level.

The Planning Department staff is proposing to dispose of all housing documents (code enforcement, property maintenance, court copies, plumbing permits, mechanical permits) dated January 1996 through December 31, 2009.

Based on the Board's past discussions, staff has reviewed the records and confirmed that these are materials that meet the retention schedules set forth by the Secretary of State and that these records are no longer needed by staff. We have also verified that this list does not contain any records we would consider to be of an "historical" nature. Recommendation is to approve a motion to dispose of the records listed above.

In response to Mayor Sanger's question, City Clerk Frazier stated that the records are shredded on-site at City Hall by a shredding company.

Alderman Winings moved to approve the disposal of records. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6378 of the City of Clayton.

TO CONSIDER APPROVING APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or, as the case may be, continuing to serve as a member of the following Boards or Commissions of the City. Mayor Sanger has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

City Plan Commission

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| Sherry Eisenberg | Ward 3 (Appointment to complete Liberman's term ending June 30, 2016) |
| Steve Lichtenfeld | Ward 3 (Reappointment for a 3-year term through June 30, 2018) |

Municipal Judge

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| Joseph R. Dulle | reappointment for a 2-year term through June 30, 2017 (completed P. Krane's term) |
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Parks & Recreation Commission

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| Missy McCormick | Ward 2 (complete Berkowitz term ending June 30, 2017) |
| Melanie Tamsky | Ward 2 (Reappointment for a 3-year term through June 30, 2018) |
| Mark Stapleton | Ward 3 (Reappointment for a 3-year term through June 30, 2018) |

Public Art Advisory Committee

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| Ronald Greenberg | Ward 2 (Reappointment for a 3-year term through June 30, 2018) |
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Sustainability Committee

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| Cindy Mense | Ward 1 (New appointment for a 3-year term through June 30, 2018, <i>replace Diane Meyer</i>) |
| Gina Nakis | Ward 3 (Reappointment for a 3-year term through June 30, 2018) |

Recommendation is to consider the appointments.

Alderman Winings moved to approve the Boards and Commission appointments. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Other

City Manager Owens announced that the City has been awarded the Distinguished Budget Presentation Award for the current year budget from the Government Finance Officers Association (GFOA).

Alderman Berger commended the staff on the great job done on the Wine Festival and that it should become an annual event.

Alderman Lintz reported that the Clayton Century Foundation is working on approaching their major donors with regard to the naming policy.

Alderman Berkowitz complimented staff on a job well done on the public hearings scheduled for the Shaw Park North End improvements.

Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or

information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Lintz seconded the motion.

Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 7:30 p.m.

Mayor

ATTEST:

City Clerk